

REMARKS

This is in response to the Office Action mailed on March 2, 2004. Claims 1-3, 7-12 and 17-20 were pending in the application. Claims 1-3, 7-12 and 18-20 were rejected. With this amendment, claims 1 and 11 are amended and the remaining claims are unchanged.

Applicant notes that on page one of the current Office Action claim 17 is disposed as rejected and believes this is a typographical error. In the previously mailed Office Action, claim 17 was disposed as "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicant complied with this remark in the Amendment filed on December 17, 2003. Claim 17 is not otherwise treated on the merits in the current Office Action.

Accordingly, Applicant believes that the correct current disposition of the claims is that claims 1-3, 7-12 and 18-20 are rejected and claim 17 is allowed.

The Office Action rejected claims 1-3, 10-12 and 18-20 under 35 U.S.C. 102(b) as being anticipated by Marques et al. (U.S. Patent No. 4,365,541). Applicant has amended independent claims 1 and 11 to be distinguishable from Marques et al. Claims 1 and 11 have been amended to include the limitation that the fresh air intake is terminated in the ambient atmosphere. This feature is neither shown nor suggested in Marques because, based on the Office Action interpretation of the prior art, the fresh air vent of the reference is in communication with the "cab framework means." Support for the amendment is shown in at least figures 11, 12A and 12B.

Rejected claims 2-3 and 7-10 depend from claim 1, and claims 12 and 18-20 depend from claim 11. Accordingly, Applicant submits that these claims are also distinguishable from Marques.

The Office Action also rejected claims 7-9 under 35 U.S.C.

103(a) as being unpatentable over Marques et al. in view of Wilson et al. Applicant submits that neither reference shows or suggests the amended features of the claims. Because the amended features are missing from each reference separately, they cannot be found in any proposed combination. Additionally, Applicant submits that there is no suggestion to combine the references in the manner proposed in the Office Action.

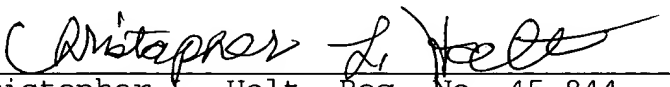
The Office Action also rejected claims 11 and 12 under 35 U.S.C. 112, second paragraph because in "lines 13-16, the fresh air intake receiving air form the exterior of the cab and from under the seat is misdescriptive." Applicant submits that the amendments to claim 11 bring this claim and its dependent claims within compliance of 35 U.S.C. 112.

Applicant respectfully submits that the pending claims are now allowable over the prior art of record. Reconsideration and allowance of claims 1-3, 7-12 and 17-20 are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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